(2)

IN THE HONOURABLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.).

Division Bench

MISC. APPEAL NO. 121 OF 2006

APPELLANTS

CLAIMANTS

1. Smt. Leela Bai aged about 22 years, Widow of Late Shri Ashok Kumar;

2. Dwarika Prasad Son of Shri Chamru Vishwakarma, aged about 57 years;

3. Smt. Triveni Bai, aged about 50 years, wife of Shri Dwarika Prasad;

4. Aman Kumar, aged about 02 years, Son of Late Shri Ashok Kumar;

The appellant No.4 is Minor, through her natural guardian Smt. Leela Bai Widow of Late Shri Ashok Kumar and Resident of Village Nari, Tahsil Kurud, District Dhamtari (C.G.).

P.R. No. 229/06
Presented by Shri G.P. Sahu
dated 03/2/06

VERSUS

RESPONDENTS

1. Bittu @ Parmeshwar, aged About 34 years, Son of Shri Bharatlal Dubey, Resident of Gariyaband, Tahsil Gariyaband, District Raipur (C.G.).

(3)

2. The Managing Director, M/s. Kanker Road Lines, Civil Line, Raipur (C.G.).

3. The National Insurance Company Limited, through the Divisional Manager, Mobin Mahal, G.E. Road, Raipur (C.G.).

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988

HIGH COURT OF CHHATTISGARH; BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL No. 121 OF 2006

Appellants : Smt. Leela Bai & Others

Versus

Respondents: Bittu @ Parmeshwar & Others.

(Arising out of Claim Case No. 515 of 2004)

3-2-2007

Appellant No.1 – Smt. Leela Bai, Appellant No.2 – Dwarika Prasad & Appellant No.3 – Smt. Triveni Bai appear with Shri P.P. Sahu, counsel for all the appellants.

None for respondents No.1 and 2.

Shri. S. Das, Dy. Manager, The National Insurance Company Limited with Shri Dashrath Gupta, counsel for respondent No.3.

Appellant No.1 - Smt. Leela Bai filed an application along with affidavit for permission to compromise the matter on behalf of minor – Aman Kumar (appellant No.4).

Not opposed.

Considered. Allowed.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.2,25,000/- (Rupees Two Lacs Twenty Five Thousand Only) to the appellants.
2) For disbursement and deposit in FDR, the Tribunal may pass appropriate orders.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellants shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No.1 & 2 stands dismissed.
6) Out of the above amount, Rs.2250/- (Rupees Two Thousand Two Hundred Fifty Only) shall be paid to counsel for the appellants directly by respondent No.3 towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-

Justice Vijay Kumar Shrivastava
High Court of Chhattisgarh
Bilaspur

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Gowri